

## UNITED STATES DISTRICT COURT

for the

Western District of New York

MICHAEL F. CAPPETTE, M.D., on behalf of  
himself and all other similarly situated persons*Plaintiff*

v.

SAGE, RUTTY AND COMPANY, INC., WAYNE  
F. HOLLY, TERRI F. RUMANS and NEIL S.**FROOD***Defendant*

Civil Action No. 12-CV-6306L

## JUDGMENT IN A CIVIL ACTION

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* \_\_\_\_\_ recover from the  
defendant *(name)* \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff *(name)* \_\_\_\_\_  
\_\_\_\_\_.

☒ other: the complaint is dismissed.  
\_\_\_\_\_  
\_\_\_\_\_.

This action was *(check one)*:

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has  
rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision  
was reached.

☒ decided by Judge \_\_\_\_\_ David G. Larimer \_\_\_\_\_ on a motion for dismissal.  
\_\_\_\_\_  
\_\_\_\_\_.

Date: Jan 15, 2013

CLERK OF COURT

s/Michael J. Roemer

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*